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Public Hearing Date:	October 11, 2005
Land Use Action Date:	November 22, 2005
Board of Aldermen Action Date:	December 5, 2005
90-Day Expiration Date:	January 9, 2006

DATE: October 7, 2005

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Nancy Radzevich, Development Review Coordinator
Robert Merryman, Senior Planner

SUBJECT: Petition #307-05 of EUGENE BOROCHIN for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish a non-conforming concrete block structure and construct a third unit to be connected to rear of an existing two-family dwelling to create a new three-unit multi family dwelling at 25 PAUL STREET, Ward 6, NEWTON CENTRE, on land known as Sec 62, Block 13, Lot 6, containing approx. 15,000 square feet of land in a district zoned MULTI RESIDENCE 2.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

EXECUTIVE SUMMARY

The petitioner is seeking a special permit under Section 30-9(d)(1) to construct a two-story addition to an existing two-family dwelling for a total of 3 dwelling units on-site. The proposed multi-family dwelling would contain a garage in the new unit with 2 parking spaces. A total of 6 parking spaces would be available on site. The proposal also anticipates removal of the existing 2,150 square foot commercial structure in the rear of the site and narrowing of a very wide driveway.

I. ELEMENTS OF THE PETITION

The subject property is located at 25 Paul Street, and consists of a 15,000 sq. ft. lot improved with a late 19th century mansard-style 3-story residence. The lot is currently improved with a two-family dwelling and a large one-story concrete block structure previously used for various non-conforming commercial uses. The petitioner is proposing to demolish the non-conforming concrete block structure and construct an additional 3-bedroom dwelling unit to rear of the existing two-family dwelling, creating a new three-unit multi-family dwelling.

Although the petitioner did not submit plans of the existing structure, as requested, the Planning Department did find plans in the Inspectional Services files indicating that the existing structure, with proposed additional dwelling unit, will be a “Multi-family dwelling.”

***Dwelling, attached:** Single family dwelling units, attached to one another at the ground level and each having a separate primary and secondary access at ground level.*

***Dwelling, multi-family:** A building or structure containing three (3) or more dwelling units.*

The City’s Chief Zoning Code Official (CZCO) has completed his review of this application for special permit. A copy of his memorandum, dated September 7, 2005, is attached to this document (SEE ATTACHMENT “A”). It is worth noting that at the time the CZCO was completing his review, the petitioner had asked him to review the project as if it were “Attached dwellings.” Without benefit of the plans for the existing structure, the CZCO completed his analysis as requested. Although the Planning Department believes the petitioner has accurately filed for special permit to create a “Multi-family dwelling,” a revised zoning review should be completed, once the petitioner has submitted the existing plans to the CZCO, to assure that the petitioner has filed for all necessary relief and/or approvals.

II. ZONING RELIEF BEING SOUGHT

The petitioner is seeking approval through or relief from the following sections of the City’s Zoning Ordinance:

- 1. Section 30-9(d)(1) allows the Board of Aldermen to grant a special permit in accordance with Section 30-24 in a Multi-Residence District for multifamily dwellings.*
- 2. Section 30-19(h)(2)(c) requires a 12’ X 9’ handicapped parking stall within a six stall parking facility to be located close to the entrance. Section 30-19(m) allows the Board of Aldermen to grant a special permit to allow for exceptions to the parking requirements.*
- 3. Section 30-19(h)(4)(a) requires a minimum of 20 feet of driveway width for two-way traffic. Section 30-19(m) allows the Board of Aldermen to grant a special permit to allow for exceptions to the parking requirements.*

4. *Section 30-5(b)(4) allows the Board of Aldermen to grant a special permit to allow grade changes greater than 3 feet.*
5. *Section 30-23 Site Plan Approval.*

As noted above, the CZCO's review is based on his understanding that the petitioner was seeking approval for "Attached dwellings." The relief/approvals listed above are what the petitioner applied for, in seeking approval of a multi-family dwelling. The Chief Zoning Code Official is expected to update his zoning review, once he receives all necessary information from the petitioner.

III. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition, the Board should consider the following:

- *Whether the specific site is an appropriate location for a 3-unit Multi-family dwelling;*
- *Whether the additional unit and associated changes to the parking area will result in vehicular or pedestrian safety concerns; and*
- *Whether the design and scale of the addition and associated changes to the parking area are appropriate to the existing structure, site, and neighborhood.*

IV. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Site

The subject property is located at 25 Paul Street, in Newton Centre. The site consists of a 15,000 sq.ft. lot, which is currently improved with a 3-story, mansard-style two-family residence and a large 2,105 sq.ft. accessory building. This detached accessory one story cinder block structure, which is located in the northeast corner of the site, had been used, over the years, for various commercial uses. The subject property is one of the larger lots on the block. According to the City Assessor's Database, the existing residential structure was built in 1900 and has approximately 4,657 sq.ft. of floor area on 3 floors including the basement.

Based on plans found in the Inspectional Services files, it appears that the two existing units are and will continue to be "stacked." (*SEE ATTACHMENT "B"*). The lower unit appears to include the basement and first floor. This unit includes a large open room (undefined use), with a galley kitchen, a utility room, and a bathroom in the basement that is connected to the first floor through a spiral staircase. The first floor includes three bedrooms and three bathrooms (total of 4 bathrooms within the lower unit).

The second unit in the existing structure appears to include the second and third floors. Based on the plans found in the Inspectional Services files, the second unit includes a kitchen, 2 bedrooms, 2 bathrooms, and living room on the second floor plus two additional bedrooms (for a total of 4 bedrooms within the upper unit) and two additional bathrooms on the third floor (total of 4 bathrooms within the upper unit).

The existing driveway is a minimum of 20 feet wide and the parking area has held up to 10 vehicles in the recent past, when the accessory structure in the rear of the lot was used for business purposes.

B. Neighborhood and Zoning

The subject property is located on the north side of Paul Street in Newton Centre, between Centre and Cypress Streets. The parcel is located in a transitional area on a small street that contains 5 different zoning districts. The property is abutted to the east by a single-family dwelling, to the west by a 24 unit apartment building and to the north by the MBTA Green Line tracks. Across Paul Street, to the south, are 3 two-family and 2 single-family dwellings. Farther across the MBTA Green Line tracks are various commercial offices on Centre Street.

The subject lot is within a small Multi-Residence 2 District, which is surrounded by Multi Residence 1, Business 1 and Single Residence 3 Districts. A nearby playground is included in a Public Use District. The parcel is located one block from the Newton Centre village center and 2 blocks from the Newton Centre MBTA Green Line Station.

V. ANALYSIS

A. Technical Considerations – Section 30-15

The following table compares the proposed three-unit multi-family dwelling to the technical requirements established in Section 30-15, Table 1:

Multi-Residence 2 (by special permit)	Required	Existing	Structure with Addition
Minimum lot size	10,000 sq. ft.	15,000 sq. ft.	15,000 sq. ft.
Min. lot area per unit	3,000 sq. ft.	7,500 sq. ft.	5,000 sq. ft.
Frontage	80 ft.	100 ft.	100 ft.
Setbacks			
Front	25 ft.	26.4 ft.	26.4 ft.
Side (west)	7.5 ft.	35 ft.	35 ft.
Side (east)	7.5 ft.	28.4 ft.	25 ft.
Rear	25 ft.	66.3 ft.	27.4 ft.
Building height	30 ft.	29.08 ft.	29.26 ft. (proposed addition) 22-24 ft.
Max. # of stories			
Existing Dwelling	2½-stories	3-stories	3 stories
Proposed Addition	2½-stories	N/A	2-stories
Floor area ratio	(As of Right 0.4) Max. set on a case by case basis	N/A	0.398
Lot coverage	30%	23.62%	17.76%
Open space	50%	51.57%	54.35%

As illustrated above, the existing building is a non-conforming 3 story structure. The new addition will be limited to a 2 story structure. For reference purposes, the maximum permitted FAR for an as-of-right two-family dwelling in this district is 0.4. The existing structure has an approximate FAR of 0.228, excluding basement and without counting the accessory building. The petitioner is proposing an FAR of 0.398 excluding the basements.

B. Land Use

The petitioner is proposing to construct a two-story addition, with an attached two car garage, to the rear of an existing two-family dwelling for a total of 3 dwelling units. The petitioner is proposing to remove the 2,150 sq.ft. commercial structure from the rear of the site. This site acts as a transition from the high-density apartment buildings and office uses to the west and the commercial uses north of the MBTA tracks to the single- and two-family uses to the south and southeast.

Although the Planning Department believes that a multi-family dwelling would be an appropriate use for this site, the Planning Department is concerned with the number of bedrooms and bathrooms in relation to the limited amount of general living spaces, particularly in the existing structure. Further, although the proposed addition is a three-bedroom unit, the dining room includes a closet, which could easily facilitate the conversion of that room to an additional bedroom.

While it is not necessarily within the Committee's purview to review the interior layouts of the units, because of the predominance of bedroom/bathroom space, as compared with general living space, it appears that these units could be very easily be rented out to up four unrelated persons per unit, or a total of 12 unrelated persons on this site. Although permitted by the City's Zoning Ordinance, in this particular situation, the Planning Department would be concerned about the lack of adequate parking for such occupancy.¹ Any additional cars parked on this site would need to be parked in tandem behind other vehicles or along the driveway, or possibly along Paul Street. *Due to safety concerns related to Fire Department accessibility, the Planning Department recommends that if the Board approves this petition that the Board consider including a condition to prevent any parking along the 16 ft. driveway. Further, to assure safe maneuverability in and out of the six required parking spaces, that the Board consider a limitation on the number of vehicles that can be parked on site.*

C. Building Design and Site Improvements

The subject property consists of a 15,000 sq. ft. lot improved with a 3-story, mansard style residence circa 1900. Though the structure has been altered over the years, the Planning Department believes it has the potential for restoration of certain historic features. The petitioner applied to the Newton Historical Commission for a demolition permit for the right and rear facades, which was approved in March 1, 2005. The Commission did not review the façade plans for the additional dwelling unit, but did see the footprint of the new addition, which is consistent with the submitted plans.

The petitioner is proposing to demolish a portion of the rear of the existing structure and to add a 2 story, 3 bedroom dwelling unit with a 2 car garage on the first floor. Although the proposed three-unit multi-family dwelling would provide a transition from the high density apartments on the west to the one and two-family residential character of other houses in the neighborhood, the proposed additional dwelling unit appears to be slightly larger in scale than surrounding single- and two-family dwellings, and appears to be out of character with the neighborhood.

It should be noted that the listed building materials for the existing structure is specified as "Restored" or new wood siding and trim and "Existing Asphalt Shingles" to remain. The existing siding is aluminum, however wood siding is proposed for the new addition. The Planning Department recommends that the aluminum siding be removed and that the wood siding be restored to match the new addition, which calls for wood siding and trim. The Planning Department further recommends that the existing mansard roof shingles should be removed and replaced with architectural shingles that mimic the appearance of slate shingles and that the new roof on the addition should match.

¹ Note, based on the City's Ordinance, if more than 4 unrelated persons are living in one residential unit, then a the petitioner would need a Special Permit to allow for an "Association of Persons."

As previously mentioned, if the proposed multi-family dwelling is used more like a rooming house, the Planning Department would be concerned about the adequacy of off-street parking for up to 12 unrelated persons living in a total of three-units at this location.

D. Parking

A technical parking analysis of the multi family dwelling addition is provided per Section 30-19, as follows:

	REQUIRED	EXISTING	PROPOSED
Min. Number Stalls	2 stall/dwelling unit	6 to 10 stalls	2 garage 4 outside stalls
Min. Setbacks			
Front	25 ft.	96 ft.	101 ft.
Side	7.5 ft.	2.5 ft.	11 ft.
Rear	15 ft.	2 ft.	2 ft.
Min. Stall Length	19 ft.	19 ft.	19 ft.
Min. Stall Width	9 ft.	9 ft.	9 ft.
Max. Driveway Width	20 ft.	20-24 ft.	16 ft.
Handicapped Stalls	1	None	<i>None</i>
Landscape Screen	3 ½ ft. high evergreen	None	SEE NOTE BELOW

The petitioner is proposing to retain the existing driveway, but reduce the width from 20.2 ft. to 16 ft., which is what the Fire Department has approved, and to reconfigure the parking area to include 4 surface stalls at the rear. In addition, two new garage stalls are being provided on the ground floor of the addition. The existing parking facility is non-conforming with respect to the rear setback of the parking facility. The 2 ft. rear setback will be maintained. In addition to the non-conforming rear setback, the proposed parking area will not meet the handicap parking stall requirement nor the landscape screening requirement along the rear.

Although the petitioner had indicated, at the City's development review meeting, that he could not reduce any more pavement than shown, due to the need for maneuvering around the site and into/out of the 6 required parking spaces, the Planning Department believes there is an opportunity to reduce pavement and, thereby, improve the site. Per the attached sketch, if the driveway is kept a maximum of 16 ft., and a small turn-around area is added for the surface stalls, then a large triangular piece of pavement could be removed. (SEE ATTACHMENT "B"). Landscaping could be incorporated into this area, which would help to screen the cars parked in the surface spaces.

E. Landscaping

The petitioner is proposing additional landscaping improvements along the western property line and within the rear yard. Though the petitioner is proposing 3 new small holly trees along the east side lot line, the Planning Department believes this will not adequately screen the abutting residence at 17 Paul Street from the increased massing of the proposed multi-family dwelling along this lot line. The petitioner should consider revising the landscape plan with more dense screening, with a mixture of evergreen and deciduous trees, along this property line. Evergreen screening in front of the east facing porches should also be provided for privacy for all parties. Additionally, the plan does not contain adequate foundation plantings along the eastside and along the Paul Street frontage.

As noted above, a reduction in the amount of pavement on site could also allow for the opportunity of additional screening of the parking area from the public way and when view from the residence immediately across Paul Street.

F. Department Reviews

The Engineering Division of the Public Works Department is expected to complete their review under separate cover prior to the public hearing.

The Fire Department has reviewed the most recent plans for 25 Paul Street and has approved the 16 ft. driveway.

G. Relevant Site Plan Approval Criteria

1. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties or improvements.

The petitioner is proposing to reduce the driveway width, at the front of the site from 20.2 to 16 ft. Otherwise, most of the existing pavement at the rear parking is being maintained. Although the petitioner had indicated that they needed to keep the pavement for maneuvering purposes, the Planning Department believes that some of the pavement can be reduced without impacting safe vehicular access on-site. Perhaps the 16 ft. driveway width should be further reduced to 12 ft., with a separate paving material used for a 4 ft. wide sidewalk (for a total of 16 ft.) to improve the convenience and safety of pedestrians accessing the proposed rear dwelling unit.

2. Screening of parking areas and structures.

See Comments in Section V. E. above.

3. Avoidance of major topographical changes; tree and soil removal shall be minimized

The plans do not indicate any major topographical changes, or any tree or soil removal.

4. Consideration of site design.

As discussed in Section V.C., above, the petitioner is proposing to demolish an existing one-story concrete block accessory building and a portion of the rear of the existing residential structure in order to add a 2 story, 3 bedroom dwelling unit with a 2-car attached garage. The proposed additional unit appears to be slightly larger in scale than surrounding one- and two-family dwellings.

See also Comments under Section V. D. and V. E., above, related to recommended improvements to the site through the reduction of parking and increased amount of landscaping.

5. Adequacy of disposal of wastes.

The petitioner has not indicated where trash will be stored for collection. ***The petitioner should be expected to provide further information on this subject prior to the Working Session.***

6. Avoidance of the removal or disruption of historic resources.

The subject structure was built circa 1900. Though the structure has been altered over the years, the Planning Department believes it has the potential for restoration of certain historic features. The petitioner applied to the Newton Historical Commission for a demolition permit for the right and rear facades, which was approved in March 1, 2005.

The Planning Department recommends that the aluminum siding be removed and that the wood siding be restored to match the new addition, which calls for wood siding and trim. The Planning Department further recommends that the existing mansard roof shingles should be removed and replaced with architectural shingles that mimic the appearance of slate shingles and that the new roof on the addition should match.

H. Relevant Special Permit Criteria

1. The specific site is an appropriate location for such use/structure.

The petitioner is proposing to construct a two-story addition including a two car garage onto an existing two-family dwelling for a total of 3 units on-site. Although the petitioner is proposing to remove the 2,150 sq. ft. concrete block accessory structure, as previously mentioned, if the proposed multi-family dwelling is used more like a rooming house, the Planning Department would be concerned about the adequacy of off-street parking for up to 12 unrelated persons living in a total of three-units at this location.

2. The use as developed and operated will not adversely affect the neighborhood.

Although the Planning Department believes that the proposed multi-family use should not adversely affect the neighborhood, the Board of Aldermen should consider whether or not the proposed additional unit is consistent with neighborhood character.

The Planning Department believes that permanent removal of the 2,150 sq.ft. concrete block accessory structure and the associated non-conforming commercial uses, combined with additional landscaping and proposed use controls should help restore the residential feel of this site.

3. There will be no nuisance or serious hazard to vehicles or pedestrians.

See Sections V.-D., and V. G-I.

4. Access to the site over streets is appropriate for the types and numbers of vehicles involved.

See Sections V.-D., G.-I, and V.H. 2.

VI. SUMMARY

The petitioner is seeking relief to convert an existing two-family dwelling to a multi-family dwelling with a 2 story addition on to the rear of the existing structure, for a total of 3 dwelling units on site. A multi-family dwelling appears to be an appropriate use for this site.

The petitioner is also seeking relief for a small 3 foot grade change, and a waiver for a handicapped parking stall and ramps.

Although the petitioner is proposing to remove the 2,150 sq. ft. concrete block accessory structure, as previously mentioned, if the proposed multi-family dwelling is used more like a rooming house, the Planning Department would be concerned about the adequacy of off-street parking for up to 12 unrelated persons living in a total of three-units at this location.

The Planning Department also has concerns regarding the façade and roof of the existing structure. The Planning Department recommends that the petitioner should remove the aluminum siding on the existing structure and restore and/or replace it with wood clapboards, which are proposed on the new addition. Also, the brown asphalt mansard roof shingle should be removed and replaced with architectural style slate shingles. The Planning Department believes that there is a need for additional landscape screening along the east property line and foundation plantings. Finally, the Planning Department recommends that the petitioner look at reducing the amount of unnecessary pavement on site, which could allow for increased the screening of the surface parking area.

Prior to the Working Session:

- 1. The petitioner should respond to all issues raised by the Chief Zoning Code Official and Engineering Division; and***
- 2. The petitioner should submit a revised site plan depicting a 16 ft. wide driveway to the Engineering Division and Planning Department.***
- 3. The petitioner should submit revised architectural elevations and landscaping plans to the Planning Department.***

Although City development review staff is in agreement that the proposed bituminous (asphalt) driveway be 16 ft. wide, the Board should consider whether or not to require that the driveway be further reduced from 16 ft. to 12 ft. with an additional 4 ft. wide sidewalk (for a total of 16 ft.), perhaps constructed of different materials, to improve the convenience and safety of pedestrians accessing the proposed rear dwelling unit.

Should the Board approve the additional unit the Planning Department would recommend the following conditions:

1. That all three units be limited to a maximum of 3 bedrooms and that the multi family dwelling be limited to a total of 9 unrelated persons.
2. That no accessory apartments be allowed on site and any home office be limited to occupants, i.e. no additional employees, customers or product storage on site.
3. That all utilities be underground from the street including removal of the on site pole.
4. That the driveway be reduced from a proposed 16 ft. width to a 12 ft. width with a 4 ft. sidewalk.
5. That the petitioner submit final site grading, drainage and utility plans that includes drywells for all roof drainage, as well as a new sidewalk, street trees and granite curbing to the City Engineer for review and approval prior to the issuance of any building permits.
6. That the petitioner submit final elevations and façade and roof materials and colors that at minimum includes the removal of Aluminum Siding, and replacement with clapboard, that the new windows include muntins (4 over 4 or 6 over 6), and that slate style architectural shingles be used on all roofs, all for review and approval of the Director of Planning and Development prior to the issuance of a building permit.
7. That the petitioner submit a final landscape plan that would include evergreen screening along the eastern property line and foundation plantings to the Director of Planning and Development for review and approval prior to the issuance of a building permit.
8. That the petitioner shall submit final as-built plans, in both digital format and hard copy, with the latter sealed by a licensed surveyor, to the City Engineer prior to the

issuance of any occupancy permits. The plan(s) should show all utilities, final grades, and any necessary easements.

9. That prior to the issuance of any certificates of occupancy, the Director of Planning and Development shall review and approve the final location, number and type of plant materials, final landscape features, and fencing as appropriate, to assure compliance with the approved landscape plan.